

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORIGINAL

TYSON A. DITCH,

v.

JAMES L. GRACE,

Petitioner,

Respondent.

C.A. No. 04-164 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on June 14, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on June 3, 2005, recommended that the petition for writ of habeas corpus be dismissed and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Huntingdon, where he is incarcerated, and on Respondent. Objections were filed by Petitioner on June 12, 2005. After de novo review of the petition and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 28th Day of June, 2005;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED and that a certificate of appealability is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated June 3, 2005, is adopted as the opinion of the court.


SEAN J. McLAUGHLIN
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record 